

# Environmental Assessment for Recreation Rules on the Upper Bitterroot River and West Fork Bitterroot River



***Montana Fish,  
Wildlife & Parks***

September 2017

## Public Hearing Information

You are invited to attend a public hearing to provide public comment on this environmental assessment and the proposed rule language. The hearings will be held:

**October 2, 2017 at 6:00 p.m.**

FWP Region 2 Headquarters  
3201 Spurgin Road  
Missoula, MT

**October 3, 2017 at 6:00 p.m.**

Bitterroot National Forest Supervisor's Office  
1801 North First Street  
Hamilton, MT

**October 10, 2017 at 6:00 p.m.**

FWP Butte Area Resource Office  
1820 Meadowlark Lane  
Butte, MT

Persons may submit their written comment concerning this environmental assessment and rule proposal in writing to:

Department of Fish, Wildlife and Parks  
Bitterroot River Recreation  
3201 Spurgin Road  
Missoula, MT, 59804

or e-mail: [shrose@mt.gov](mailto:shrose@mt.gov)

All comments must be received no later than October 13, 2017.

## TABLE OF CONTENTS

Cover Sheet.....	5
Name of Project .....	6
Introduction, Need and Purpose .....	6
Proposed rules .....	6
Agency authority for the Proposed Action .....	7
Project Sponsor .....	8
Location Affected by the Proposed Action: .....	8
Figure 1: Area Location Map.....	8
Figure 2: Map of the Upper Bitterroot and West Fork of the Bitterroot River.....	9
Development of Preferred Alternative and Alternatives.....	10
Connection between EA and Rulemaking.....	10
Summary of the Preferred Alternative .....	10
Alternative A – Citizen Advisory Committee Recommendation and Commission Rule Notice (Preferred Alternative) .....	10
Affected Environment.....	12
Fisheries Data.....	12
Social Conditions.....	13
Predicted Environmental Outcomes.....	14
Social Environment .....	14
Potential Effects of the Preferred Alternative on the Physical/Biological Environment .....	14
Physical/Biological Environment.....	14
Potential Effects of the Preferred Alternative on the Physical/Biological Environment .....	14
Economic Environment.....	15
Figure 3- 2015 Nonresident Expenditures for Ravalli County, Montana.....	15
Potential Effects of the Preferred Alternative on the Economic Environment .....	16
Aesthetic Environment .....	16
Cultural Environment .....	16
Administrative Environment .....	16
Need for Environmental Impact Statement.....	17
Public Participation .....	17
Timeline.....	18
EA Preparation .....	18
Appendix A: Committee Application.....	19

Appendix B: BRRAC Members.....	20
Appendix C: BRRAC Charter .....	22
Appendix D: Structured Decision Making .....	23
Appendix E: Citizen Advisory Committee Issue Statement: .....	24
Appendix F: Fundamental Objectives .....	25
Appendix G: Survey Instruments .....	26

# Draft Environmental Assessment Recreation Management of the Upper Bitterroot River and West Fork Bitterroot River

## COVER SHEET

**Proposed Action:** The Fish and Wildlife Commission is proposing restrictions on recreational and commercial use of the West Fork of the Bitterroot River and the Upper Bitterroot River. The proposed rules are intended to address concerns about congestion on the river and at access sites, and social conflicts between river users. The proposed restrictions are based on the recommendations of a citizen advisory council in accordance with the FWP Statewide River Recreation Management Rules.

**Type of Document:** Pursuant to ARM 12.11.415, FWP has drafted this environmental assessment analyzing the impacts of the proposed administrative rules.

**Lead Agency:** Montana Department of Fish, Wildlife & Parks (FWP)

**Decision Authority:** Pursuant to 87-1-303, MCA, the Fish and Wildlife Commission has the authority to adopt rules governing recreational uses of all public waters.

Pursuant to ARM 12.11.415, FWP has implemented the Montana Environmental Policy Act and drafted this environmental assessment evaluating impacts of the proposed rules.

**Further Information:** Chrissy Oschell, FWP Region 2 River Recreation Manager, 3201 Spurgin Road, Missoula, MT 59804. (406) 542-5562 [coschell@mt.gov](mailto:coschell@mt.gov)

**Special Note:** All comments will be considered for both the environmental assessment and rule proposal notice when making a final decision. Persons do not need to send separate comments for the environmental assessment and rule proposal notice.

All comments received may be viewed by the public upon request.

## NAME OF PROJECT

This Environmental Assessment (EA) and accompanying rule notice pertains to the West Fork of the Bitterroot River (West Fork), and the main Bitterroot River from its confluence with the West Fork downstream to the Wally Crawford Fishing Access Site (Upper Bitterroot). Collectively these are referred to as the West Fork and Upper Bitterroot River Recreation Management Project (project).

## INTRODUCTION, NEED AND PURPOSE

The popularity of the Bitterroot River is contributing to growing concern over the quality of the angling and recreational experience of those waters. For a number of years the Department of Fish, Wildlife and Parks (department) has received a large volume of letters and emails from people concerned about the overall amount of angling pressure, level of commercial use, congestion on the water and at access sites, and how this use is affecting the quality of their experience. To substantiate these concerns, the department conducted surveys to assess people's perceptions about conditions on these rivers, and whether conditions have displaced anglers to fishing on other rivers as an alternative.

Based on the public's concerns and the survey results, the department concluded that there was sufficient reason to initiate a river recreation management process pursuant to the river recreation management rules, ARM 12.11.401 through 12.11.455. A citizen advisory council (CAC) was appointed by the department to develop recommendations for how best to manage recreation on this section of river. The CAC considered all the available informal and formal social and biological information related to use of these rivers. They developed a set of objectives for evaluating various means of managing recreation and addressing social conflicts and developed recommendations that represent their own interests and those of others affected by river recreation management. After consideration of various alternative methods to managing recreation, the CAC developed one preferred alternative. On August 10, 2017, the commission approved proposed rule language and a proposed management plan based on the CAC's recommendations.

In addition to the proposed rule language, the department has published this draft environmental assessment for public input evaluating the environmental impacts of the proposed rule language in compliance with the Montana Environmental Policy Act (MEPA). The MEPA and rulemaking process are being done concurrently.

## PROPOSED RULES

The Commission published proposed rule language in the Montana Administrative Register at page 1451. The rule proposal can be found on FWP's website at [fwp.mt.gov](http://fwp.mt.gov) under "News", "Recent Public Notices".

The proposed rule language would:

- Based on historical use numbers, FWP would cap (limit) the number of fishing outfitters and float operators authorized to conduct commercial use on the West Fork and Upper Bitterroot, and require authorized outfitters to obtain an FWP Permit.

- To obtain a permit to conduct commercial use on the Bitterroot River, an outfitter will have to provide FWP with official Board of Outfitters records demonstrating that they conducted commercial use on the designated sections of river between Jan 1, 2014 to Dec 31, 2016.  
Commercial floating operators, not licensed by the Board of Outfitters, will have to submit a form as prescribed by FWP demonstrating they conducted commercial use on the designated sections of river between Jan 1, 2014 to Dec 31, 2016
- Permittees would be required to submit an annual report of service dates, number of clients, guides, stream/lake used, stream section, put in, and take out. Failure to report per department directions would result in a permit being revoked.
- A permit is considered abandoned after three consecutive years of no reported activity.
- FWP will reissue revoked and abandoned permits using a lottery system to any commercial fishing or floating operator.
- Each commercial fishing and floating operator would be limited to two floats per day per designated section of river. This would include trips conducted by guides working for an outfitter. The designated sections of river are:
  - Section 1: Painted Rocks Dam to Applebury Site
  - Section 2: Applebury Site to Trapper Creek Job Corps Site
  - Section 3: Trapper Creek Job Corps Site to Hannon Memorial Site
  - Section 4: Hannon Memorial Site to Wally Crawford Site
- The rules would prohibit outfitted float trips (float outfitting) on one day per week per each designated section of river during the time period of June 1 through Sept 15:
  - Section 1: Painted Rocks Dam to Applebury Site (11 miles). Float outfitting prohibited on Fridays.
  - Section 2: Applebury Site to Trapper Creek Job Corps Site (8 miles). Float outfitting prohibited on Saturdays.
  - Section 3: Trapper Creek Job Corps Site to Hannon Memorial Site (8 miles). Float outfitting prohibited on Sundays.
  - Section 4: Hannon Memorial Site to Wally Crawford Site (9 miles). Float outfitting prohibited on Mondays.
- Floating of any kind, including the use of a tube, raft, or vessel, is prohibited on Fridays from July 1 through September 15 from Painted Rocks Dam to Applebury Forest Service Site.

## AGENCY AUTHORITY FOR THE PROPOSED ACTION

Pursuant to §87-1-303, MCA, the Fish and Wildlife Commission has authority to adopt rules governing recreational use of public waters in the state. In 2004, the Commission adopted statewide river recreation management rules, ARM 12.11.401 through 12.11.455, that apply to the process of developing, adopting, amending, or repealing management plans and rules that address river recreation. In 2005, the Commission adopted commercial use rules, ARM 12.14.101 through 12.14.145, that govern commercial use on department land and restricted waterbodies.

## PROJECT SPONSOR

Montana Fish, Wildlife & Parks  
3201 Spurgin Road  
Missoula, MT 59804 406-542-5500

## LOCATION AFFECTED BY THE PROPOSED ACTION:

The proposed action would affect the following two sections of river:

- 1) The West Fork of the Bitterroot River from Painted Rocks Dam downstream to the confluence of the East and West Forks of the Bitterroot River; and
- 2) The mainstem of the upper Bitterroot River from the East and West Fork confluence downstream to Wally Crawford FAS.

Combined, these two sections include approximately 33 river miles. Refer to Figures 1 and 2 for project location.

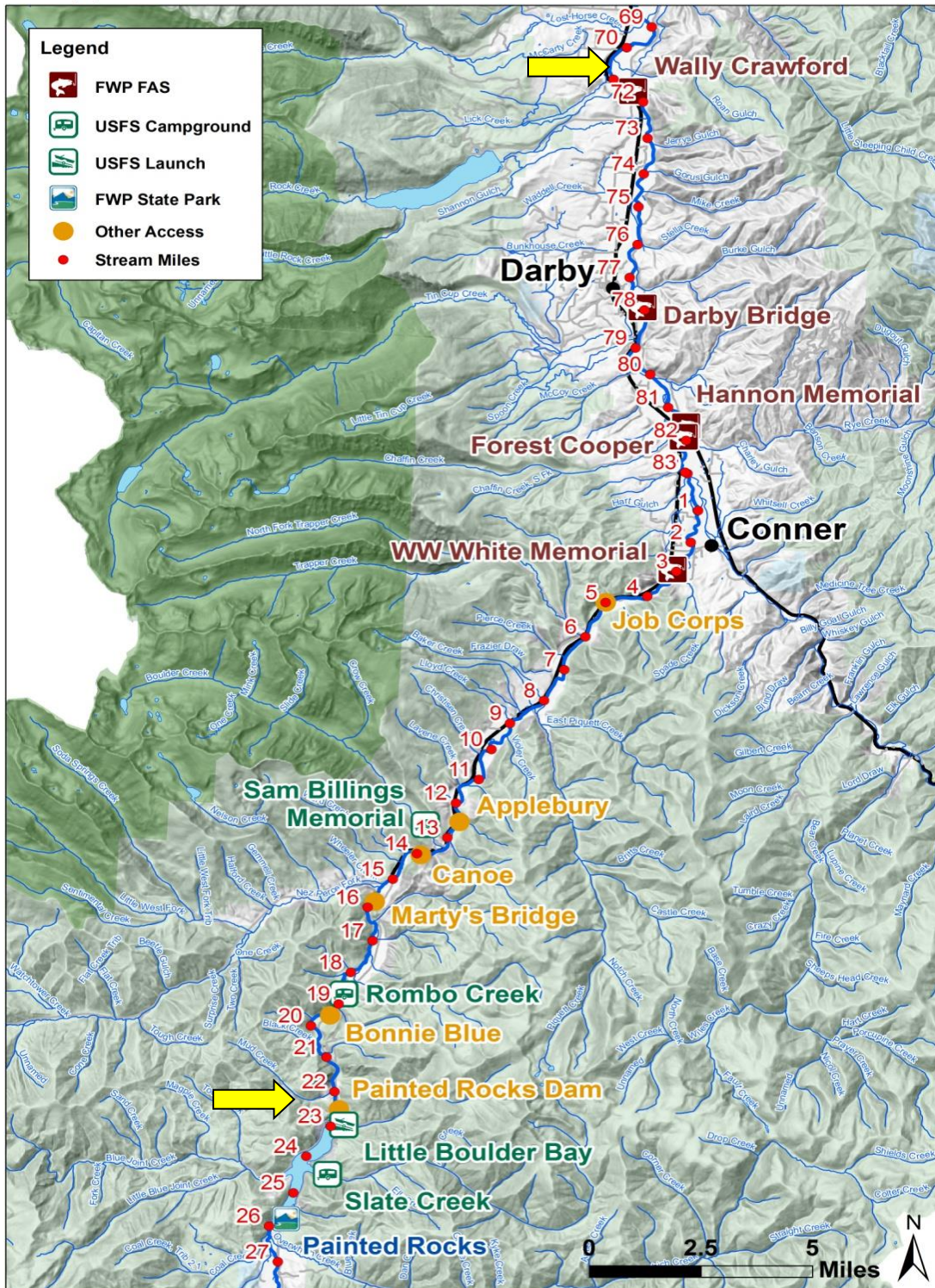
*Figure 1: Area Location Map*





Figure 2: Map of the Upper Bitterroot and West Fork of the Bitterroot River

## Upper Bitterroot River and West Fork Bitterroot River



\*\*the area being considered is between the yellow arrows.

## DEVELOPMENT OF PREFERRED ALTERNATIVE AND ALTERNATIVES

FWP used the Statewide River Recreation Rules (river recreation rules) to guide development of the proposed action. In accordance with the river recreation rules, FWP appointed a citizen advisory council (CAC) and tasked the group with advising the department and the Commission on the management of the West Fork and Upper Bitterroot to address social conflicts. Refer to Appendices A, B and C for more information on the composition of the CAC and its charter. The river recreation rules call for the CAC to consider nonrestrictive management methods before restrictive management methods.

The CAC, using a facilitated structured decision-making process (SDM), considered all the available informal and formal social and biological information related to use of these rivers (Appendix D) They also developed a set of objectives for evaluating various means of managing recreation and addressing social conflicts (see Appendix E and F). The committee members developed recommendations that represent their own interests and those of others affected by river recreation management. The rules proposed by the Commission are based on the CAC's recommendations and are reflected in the Preferred Alternative in this document.

## CONNECTION BETWEEN EA AND RULEMAKING

The preferred alternative requires Commission rulemaking under the Montana Administrative Procedures Act (MAPA). Pursuant to ARM 12.11.415, the department must conduct an environmental review under the Montana Environmental Policy Act (MEPA) when developing a river recreation management plan or rules. All comments will be considered for both the environmental assessment and rule proposal notice when making a final decision. Persons do not need to send separate comments for the environmental assessment and rule proposal notice. The Commission will make the final decision on the proposed rules. The department, in coordination with the Commission's rulemaking decision, will make the final decision on the EA.

## SUMMARY OF THE PREFERRED ALTERNATIVE AND OTHER ALTERNATIVES

The preferred alternative is to address social conflicts on the West Fork of the Bitterroot River and Upper Bitterroot River. The CAC identified five alternatives but decided on a preferred alternative. The alternatives are discussed below.

### Alternative A – Citizen Advisory Committee Recommendation and Commission Rule Notice (Preferred Alternative)

Alternative A represents the CAC's recommendations and the rules proposed by the Commission to implement the recommendations. The rules would accomplish the following:

- Based on historical use numbers, FWP would cap (limit) the number of licensed fishing outfitters authorized to conduct commercial use on the West Fork and Upper Bitterroot, and require authorized outfitters to obtain a FWP Commercial Use Permit.
  - To obtain a permit to conduct commercial use, an outfitter would have to provide FWP with official Board of Outfitters records demonstrating that they conducted commercial

use on the affected sections of river during the time period between Jan 1, 2014 to Dec 31, 2016. This information would have to be submitted to FWP in order to obtain a permit.

- Permitted Outfitters would be required to submit an annual report including service dates, number of clients, guides, stream/lake used, stream section, put in, and take out.
- FWP would rescind the permit of any outfitter who does not conduct any commercial use on the permitted waterbodies for three consecutive years.
  - FWP would have the option of reissuing rescinded permits on an annual basis using a lottery system eligible to any outfitter licensed to conduct commercial use in Montana.
- The rules would limit each outfitter to two commercial floats per day per designated section of river. This would include trips conducted by guides working for that outfitter. The designated sections of river are:
  - Section 1: Painted Rocks Dam to Applebury Site
  - Section 2: Applebury Site to Trapper Creek Job Corps Site
  - Section 3: Trapper Creek Job Corps Site to Hannon Memorial Site
  - Section 4: Hannon Memorial Site to Wally Crawford Site
- The rules would prohibit outfitted float trips (float outfitting) on one day per week per each designated section of river during the time period of June 1 through Sept 15:
  - Section 1: Painted Rocks Dam to Applebury Site (11 miles): Float outfitting prohibited on Fridays
  - Section 2: Applebury Site to Trapper Creek Job Corps Site (8 miles). Float outfitting prohibited on Saturdays.
  - Section 3: Trapper Creek Job Corps Site to Hannon Memorial Site (8 miles). Float outfitting prohibited on Sundays.
  - Section 4: Hannon Memorial Site to Wally Crawford Site (9 miles). Float outfitting prohibited on Mondays.
- The rules would prohibit all float fishing (commercial and non-commercial) on the West Fork from Painted Rocks Dam to Applebury Site each Friday during the time period of July 1 through September 15.
  - The rule would establish a wade-fishing only section and prohibit any fishing from a boat on Fridays during the affected time period.

## Alternatives Considered but Rejected from Further Analysis

### **Alternative B: no action**

- No changes to current actions.

### **Alternative C:**

- No commercial floating on Friday & Saturday from Painted Rocks Dam to WW White Memorial Site;
- No commercial floating on Sunday & Monday from WW White Memorial Site to Wally Crawford Site.

**Alternative D:**

- No commercial floating on Saturday from Painted Rocks Dam to WW White Memorial Site;
- No commercial floating on Sunday from WW White Memorial Site to Wally Crawford Site.
- 2 launches per party;
- Cap outfitter and permit system;
- No float fishing section from Dam to Marty's Bridge from July 15 to Sept 15.

**Alternative E:**

- 5 sections: 1. Painted Rocks Dam-Canoe Site 2. Canoe Site- Trapper Creek Job Corps Site 3. Trapper Creek Job Corps Site-Hannon Memorial Site; 4. Hannon Memorial Site-Darby Bridge Site; 5. Darby Bridge-Wally Crawford Site.
- Implement a cap on # of outfitters and implement a SRP permit system.
- 2 commercial launches per section per day
- July 1-Labor Day:
  - Noncommercial day Hannon Memorial Site-Darby Bridge Site;
  - Noncommercial day Darby Bridge Site-Wally Crawford Site;
  - Noncommercial day Painted Rocks Dam-Canoe Site;
  - Noncommercial day Canoe Site-Trapper Creek Job Corps Site.

**Alternative F:**

- No float fishing Painted Rocks Dam to Marty's Bridge Site from July 15 to Sept 15.
- One noncommercial day from Painted Rocks Dam to Hannon Memorial Site. \*
- Two non-commercial days from Hannon Memorial Site to Wally Crawford Site. \*
- (\*three different days on these.)

## AFFECTED ENVIRONMENT

### Fisheries Data

Trout populations in the West Fork and upper Bitterroot River are relatively stable, although whirling disease has probably affected rainbow trout numbers. Angler-caused mortality of westslope cutthroat trout is a concern during warmer water temperatures (i.e., above 67 F). Hook scarring is common on westslope cutthroat trout in this section because they are easy to catch and there is high angling pressure. However, fish population and creel surveys do not indicate that the high fishing pressure is affecting the health of the fish or the experience of anglers at this time.

Angler pressure surveys indicate that fishing pressure is stable to increasing. Recent increases are likely due to more non-resident anglers coming to the area to fish. While angling pressure is high all summer, seasonal trends vary depending on flows. The annual release of water from Painted Rocks Reservoir increases the water available for floating in the upper river and aids in maintaining instream flows in the lower Bitterroot River all season, which often saves the Bitterroot from hoot-owl restrictions and other, more severe closures that are becoming more common on many rivers in the state.

## Social Conditions

Concerns were raised by many river users over total boat traffic, the amount of commercial use, local angler displacement, and conflicts between wade and float anglers. FWP began researching this concern in 2014 with vehicle counts at access points and a self-registration survey system. Also, in the spring and summer of 2014 and 2015, river users were asked by FWP staff to complete a survey at access points on the West Fork. The sample of people interviewed were largely commercial users as the number of private users was very low. The users on the West Fork of the Bitterroot River were asked about their river recreation experiences and their use patterns. All the respondents (100%) indicated they were fishing during their recreation visit. Over 75 percent of the users indicated they used an outfitter or guide for that trip compared to 11 percent who did not. Fourteen percent would not answer the question.

Respondents were also asked about their perceptions of crowding throughout their recreation experience. A large majority of respondents did not indicate feeling crowded at the put-in or take-out. Respondents were also asked on a scale of 1 (not at all crowded) to 9 (very crowded) how crowded they felt while on the river. Results indicate the average was 2.21 which is considered not crowded.

### Conclusions from Early Data Collection

- Yielded small sample sizes.
- Self-registration was mostly locals and they felt the river was crowded but not extreme. However, most commenters mentioned crowding and commercial use being too high. This sample size was only 79 (useable) across 2 years.
- On-site survey was at least 75% outfitted; they were satisfied and didn't feel crowded.
- Lack of local anglers and 75% outfitted led to a consideration of displacement of locals.

Because of the lack of resident anglers fishing in the area, the Department decided to research possible displacement of resident anglers. Two different mail out surveys were conducted to assess if Ravalli County anglers felt displaced from fishing the West Fork and Upper Bitterroot. Ravalli County anglers were chosen for the survey because they were likely the most affected by current use, and because they provided a sample population for the survey that would yield sufficient return rates needed for analysis. Expanding beyond Ravalli County would likely have resulted in a large number of surveys being sent to unaffected users thus increasing survey costs and providing little needed information. The total number of Ravalli County licensed anglers in 2016 was 12,776. The first survey was specific to the West Fork and was mailed in May of 2016 to a random sample of 3,000 of those anglers. Of the surveys mailed and delivered, 957 (32% of those mailed) were returned and used in the analysis.

Of the 957 surveys received, 609 had fished the West Fork, 345 said they fish it regularly and 303 fished it recently. Of the 303 frequent anglers, 210 (69%) said they fish it less now than they did 3 years ago. The top reasons for fishing here less were: too many outfitter/guides, too many float anglers, and too crowded.

The second survey, focusing on the upper river from Hannon Memorial FAS to Wally Crawford FAS, was mailed in November of 2016 to another random sample of 3,000 licensed anglers from Ravalli County. Of the surveys mailed and delivered, 722 surveys were received. Of those, 297 have fished this section of the Bitterroot with 152 of them considering themselves regular and frequent anglers in this stretch. Of the frequent anglers, 113 (74%) of those said they fish this section less now. The top reasons were too many outfitters and guides, too many float anglers, and too crowded.

## PREDICTED ENVIRONMENTAL OUTCOMES

### Social Environment

The preferred alternative would affect both commercial float outfitters and the non-commercial public (including displaced anglers) in a positive way. Outfitters would encounter less crowding at access points and on the river and the public would encounter less crowding as well. The status quo is producing a less than desirable experience for many and displacing anglers.

#### *Potential Effects of the Preferred Alternative on the Physical/Biological Environment*

The effect of the preferred alternative on fishing outfitters includes additional time to submit an annual report to be placed in and remain in the capped permit system. Fishing outfitters may need to re-organize their trips to accommodate the citizen days and the wade only regulation in the corresponding sections included in the preferred alternative. Outfitters would encounter less crowding at access points and on the river.

Implementing the preferred alternative would likely result in minimizing conflict between commercial floaters and the general public. It would also likely reduce crowding at access sites and on the river. It also is expected bring local anglers back to the West Fork and upper river on non-commercial days.

### Physical/Biological Environment

The preferred alternative presented here has the potential to impact the physical environment and natural resource if they result in changes in user density and/or distribution. However, to not consider management actions could adversely impact the resources currently enjoyed on the Upper Bitterroot and West Fork of the Bitterroot. It is difficult to ascertain the carrying capacity for use on the river before resources are affected but with unchecked growth the resources that make the Upper Bitterroot and West Fork River may eventually decline.

#### *Potential Effects of the Preferred Alternative on the Physical/Biological Environment*

Overall, there would be no significant impact on the physical or biological environment if the preferred alternative was implemented.

Implementation of noncommercial days would likely not impact natural resources; capping the commercial float outfitters would help maintain the current natural resource conditions of the Upper Bitterroot and West Fork River. It is plausible that fish catch rates (#/hour) could increase if fishing pressure is reduced. Failure to restrict the number of commercial float outfitters could cause



deterioration in natural resource conditions through greater exposure of riparian habitat to increased number of users.

Restricting the number of launches in the sections of the river outlined in the alternative may improve natural resource conditions at high-use sites by alleviating over utilization of riparian areas at these sites. Conversely, natural resource conditions at lower-use sites may decline if the launch restrictions lead to more frequent use of these sites.

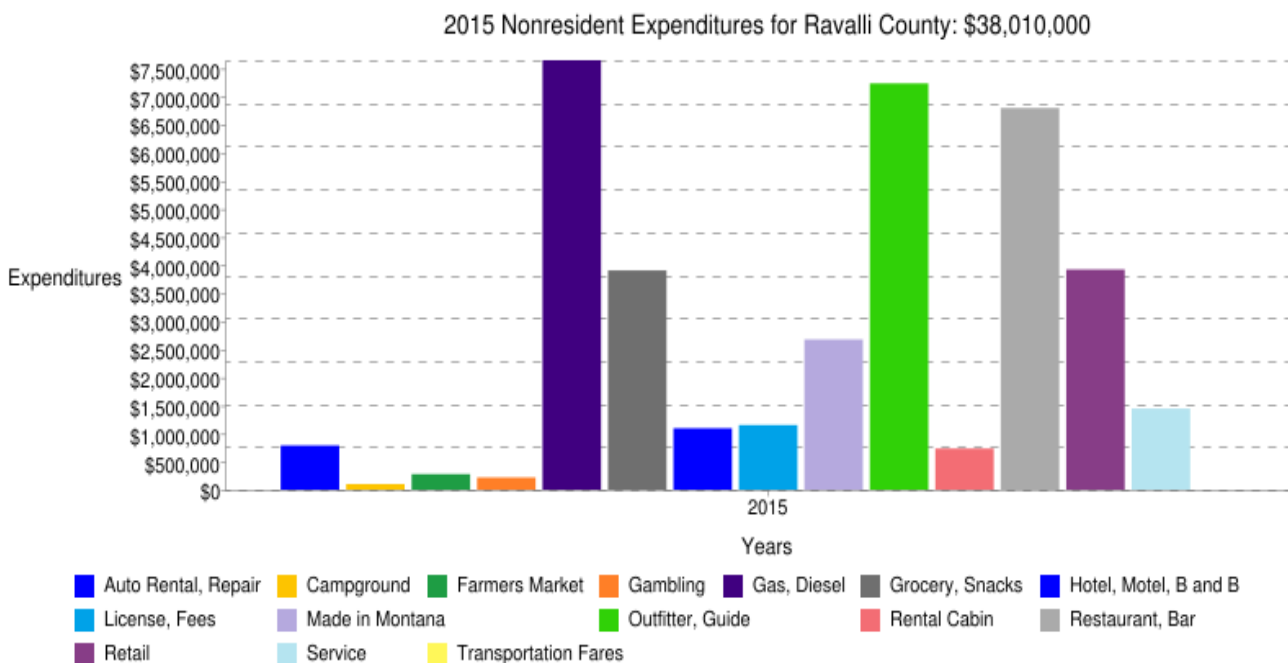
Positive or negative impacts to natural resource conditions from the proposed wade only section on Fridays are unknown.

## Economic Environment

Angling is an important part of Montanans way of life while also being a large component of the tourism and travel industry of the state. Angling contributes to the local, regional and state economies through recreation, tourism, and other travel expenditures including purchases of equipment, food, lodging and other amenities; job creation; and generation of tax revenue.

The Institute for Tourism and Recreation Research estimated that outfitting and guiding was the second highest expenditure category in Ravalli County in 2015 for non-resident visitors to Montana. Non-residents spent \$7,237,000 in 2015 in Ravalli County on outfitting and guiding. The portion of this economic contribution that came from fishing on the Upper Bitterroot and West Fork is unknown.

*Figure 3- 2015 Nonresident Expenditures for Ravalli County, Montana*



### *Potential Effects of the Preferred Alternative on the Economic Environment*

Important consideration was given by the advisory committee and FWP to the impact of potential management elements on the economic resource values of these sections of the Bitterroot River. The local economy and maximizing positive effects on the local economy was a fundamental objective of the advisory committee. The preferred alternative will likely have no negative impact on the economic environment. There is a possibility for a positive impact if previously displaced anglers from both Ravalli County and statewide begin fishing these sections of the Bitterroot again.

Implementing non-commercial days may have some impact on the economic resource values of the upper Bitterroot and West Fork. If any new or displaced anglers return to take advantage of less-crowded conditions, the economic resource values would increase. Conversely, if fewer outfitted trips or fewer non-resident trips occur, then economic resource values could suffer. The advisory committee and FWP maintain that economic value is important in relation to the river, but surely not the only variable of importance (e.g. the quality of the user experience).

Capping the number of outfitters authorized to operate commercially on this section of the river alone would likely not affect economic resource values. The number of trips for each outfitter, and therefore potential revenue, would not likely change.

Economic impacts resulting from prohibition of the use of boats to gain access in the walk/wade section(s) is unknown. Walk/wading historically has been a popular way to fish this area of the river.

### **Aesthetic Environment**

The Upper Bitterroot and West Fork are known for their scenic values. We have received comments, both from letters we have received and as comments on surveys, stating that the aesthetic environment is impacted by large numbers of boats on the river. The alternative proposed here would likely lessen the impact to the aesthetic environment by decreasing the number of boats launching at the same time.

### **Cultural Environment**

The cultural environment does not appear to be currently impacted and the preferred alternative would not cause any impacts.

### **Administrative Environment**

FWP has monitored use and administered surveys in this area since 2013. FWP would continue these efforts with or without the preferred alternative. Implementing the permit system will have an impact on the administrative environment of FWP. It will require time for one of our current employees to keep track of the information outfitters provide. Outfitters will be submitting the information electronically in a format that will be identical to the database FWP has to organize the information making the time burden lower.

These changes may require alteration of existing patrol plans by river recreation and enforcement personnel.



## Cumulative Effects

The primary cumulative impact of the preferred alternative would be positive changes to social conditions such as decreased conflict and crowding along with an enhanced experience for anglers. The no action alternative would create the potential for cumulative impacts of a social nature with even more conflict and crowding. There is also the possibility that not effectively addressing use issues may have unknown impact on fishery health.

It is FWP's mission to address these issues not only to mitigate social conflicts on the Upper and West Fork Bitterroot, but to also preserve the resource for future generations of recreationists.

## Resource Issues Considered but Eliminated from Detailed Analysis

The proposed action is largely intended to address social issues on the river and does not include site development or other physical alterations to the environment.

## NEED FOR ENVIRONMENTAL IMPACT STATEMENT

The proposed changes to the management of the Upper Bitterroot River and the West Fork of the Bitterroot River would have no significant negative impacts on the physical or human environment. Therefore, an Environmental Impact Statement is not required and an Environmental Assessment is the appropriate level of review.

## PUBLIC PARTICIPATION

The public will be notified in the following manner to comment on this current EA and the preferred alternative:

- Public notices in each of these newspapers: *Missoulian*, *Independent Record* (Helena), *Mineral Independent* (Plains), *Ravalli Republic* (Hamilton), *Bozeman Daily Chronicle* and *Montana Standard* (Butte)
- Statewide press release
- Direct mailing to FWP interested parties
- The EA and rule proposal notice will be posted on the FWP web page (<http://fwp.mt.gov>)
- The EA and rule proposal notice will be available at FWP Region 2 Headquarters

Public hearings are scheduled for October 2 in Missoula, October 3<sup>rd</sup> in Hamilton, and October 10 in Butte (see schedule on page 2)

FWP Commission will review public comment and make a final decision on the proposed rule language on December 7-8, 2017.

This level of public notice and participation is deemed appropriate for a proposal of this scope.

Written comments must be received no later than October 13, 2017 and can be mailed to the address below:

Department of Fish, Wildlife and Parks  
Bitterroot River Recreation  
3201 Spurgin Road  
Missoula, MT, 59804

or e-mail: [shrose@mt.gov](mailto:shrose@mt.gov)

Or submitted Online at <http://fwp.mt.gov>

## TIMELINE

September 8, 2017- Public Comment begins

October 13, 2017- Public Comment Ends

December 7-8, 2017- Fish & Wildlife Commission will consider all public comment received and will make a final determination whether to adopt the proposed rule language.

February 2018- If approved by the Commission, the new rules would go into effect

## EA PREPARATION

### **Person(s) responsible for preparing the EA:**

Christine Oschell  
River Recreation Manager  
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Missoula, MT 59804  
406-542-5507  
[psaffel@mt.gov](mailto:psaffel@mt.gov)

## APPENDIX A: COMMITTEE APPLICATION

### **FWP Region 2 Bitterroot River Recreation Advisory Committee (BRRAC)**

### **Citizen Advisor Application**

**Thank you for your interest in the FWP R2 Bitterroot River Recreation Advisory Committee (BRRAC). Please complete the following information and return to FWP by Tuesday, Nov. 1 for consideration.** Email the application to [coschell@mt.gov](mailto:coschell@mt.gov); drop off at the FWP Missoula office; mail to FWP, BRRAC Application, 3201 Spurgin Road, Missoula MT 59804; fax to (406) 542-5529.

#### **I. CONTACT INFORMATION**

**Name**

(First) (Last)

**Address**

(Street or PO Box) (City) (Zip)

**Phone Email**

**Group affiliation\* (if any)** \*the citizen advisory council is meant to be a balanced and representative group. By providing this information you are helping us ensure that we have an effective committee.

#### **II. SUPPLEMENTAL QUESTIONS**

Instructions: Please provide information on the following. Use additional sheets if necessary. Responses should not exceed 4 pages in total, and your name should be included on each page.

- 1. Please describe your interest in or experience working on river recreation issues and programs.**
- 2. Why do you wish to become a citizen advisor for FWP management decisions on the Bitterroot River?**
- 3. Please describe your experience working together with groups and individuals to reach collaborative solutions to problems and issues.**
- 4. Please provide any further information you feel is important to describe your qualifications, especially as it pertains to successfully working with people of differing opinions and interests.**

## APPENDIX B: BRRAC MEMBERS

### 1. Jack Mauer- Victor, MT

- Outfitter
- Board member of FOAM (Fishing Outfitters Association of Montana) and Bitterroot Trout Unlimited.
- Member of RRAFT advisory committee in 2009/2010.

### 2. Mark Rogala- Darby, MT

- Landowner on the West Fork.
- Built Flying R Guest Cabins on the West Fork and represents the tourism component.

### 3. Mark Stermitz- Florence, MT

- Long time angler in the area.
- Was the first citizen member on the Board of Outfitter and Guides.
- An attorney by profession and has a great deal of experience with stakeholder groups.

### 4. Larry Hanson- Missoula, MT

- Angler and retired fisheries biologist.
- Developed regulations on the Klamath River.
- Has experience with multiple stakeholder groups

### 5. Alec Underwood- Missoula, MT

- Angler and serves on the Board of Directors for the WestSlope Chapter of Trout Unlimited.
- Works with multiple stakeholders including biologists, landowners and anglers on a regular basis.

### 6. Brian Blackman- Stevensville, MT

- Member of Trout Unlimited
- Social worker professionally and emphasizes finding common ground in multiple use situations.

### 7. Jim Olson- Hamilton, MT

- Angler and current member of Ravalli County Fish and Wildlife Association.
- Former FWP commissioner.
- Region 2 CAC member.
- Worked on the Blackfoot RRAFT Committee

### 8. Casey Hackathon- Missoula, MT

- Angler and member of Hellgate Hunters and Anglers and Montana Watershed Coordination Council.
- Worked on committee to revise motorized use rules on Bitterroot and Clark Fork Rivers.

9. **Marshall Bloom- Hamilton, MT**

- Past president of Bitterroot Trout Unlimited, chairman of Montana Trout Unlimited, co-chairman of Montana Trout Unlimited, co-chairman of the Montana Governor's Whirling Disease Task Force, first chairman of the Ravalli County Resource Advisory Committee.

10. **Jenny West- Hamilton, MT**

- Outfitter that has been guiding for 15 years.
- Member of Hamilton City Council.

11. **Sean O'Brien- Hamilton, MT**

- Outfitter
- Worked on wetlands mitigation projects.

12. **Andre Carlson- Hamilton, MT**

- Outfitter for 35 years
- Worked with Ravalli County Fish and Wildlife Association
- Worked in implementing Montana Stream Access Law and worked on committee for regulations on Rock Creek.

13. **Eddie Olwell- Stevensville, MT**

- Outfitter for 17 years.
- President of Bitterroot Water Forum and past president of Trout Unlimited.

14. **Fred Upchurch- Stevensville, MT**

- Fish Committee chairman for Ravalli County Fish and Wildlife Association.
- Board member of Ravalli County Fish and Wildlife for 17 years.

15. **Judith Estler- Darby, MT**

- Landowner on the West Fork of the Bitterroot.
- Member of Trout Unlimited.

16. **Dave Campbell- Hamilton, MT**

- Wade fisherman and floater on the West Fork for 25 years.
- Former District Ranger on the West Fork Ranger District (retired).

## APPENDIX C: BRRAC CHARTER

Montana Fish, Wildlife and Parks is developing a plan for managing recreation on the Upper Bitterroot River. The plan will focus on recreation management rather than resource management, with the understanding that resource protection is of highest priority.

This Citizens Advisory Committee is serving by appointment of the FWP Director and are tasked with developing recommendations for managing recreation on the Upper Bitterroot River. The committee is a critical step in the planning process. The assignment to the group is to prepare a Committee Report on recommendations for managing recreation on the Upper Bitterroot River. FWP will prepare an environmental analysis based on the work of the committee.

The FWP statewide river recreation rules apply to the process of developing plans or rules for river recreation. The recommendations must comply with those river recreation rules. According to the rules, management plans and rules must be: technically and socially feasible; legal; affordable; measurable; enforceable; and reasonable to administer.

The group will perform the following tasks:

- Assess river recreation information and existing conditions on the Upper Bitterroot River;
- Identify desirable or acceptable recreation conditions for this area;
- Develop a list of management actions (less restrictive to most restrictive).

The group's recommendations should reflect the interests of its members, the public that recreates on the Upper Bitterroot River, and those affected by river recreation management. It is imperative that the group use a process that encourages civility, trust, and respect. Listening to and integrating each person's interests is paramount to success.

The committee serves in an advisory capacity. While the role of the committee is critically important, there is no guarantee that the Final Plan will follow the committee's recommendations. The FWP Commission is the final decision-maker and shall consider the recommendations of the group, the best available information, the environmental analysis, and input from the public and staff.

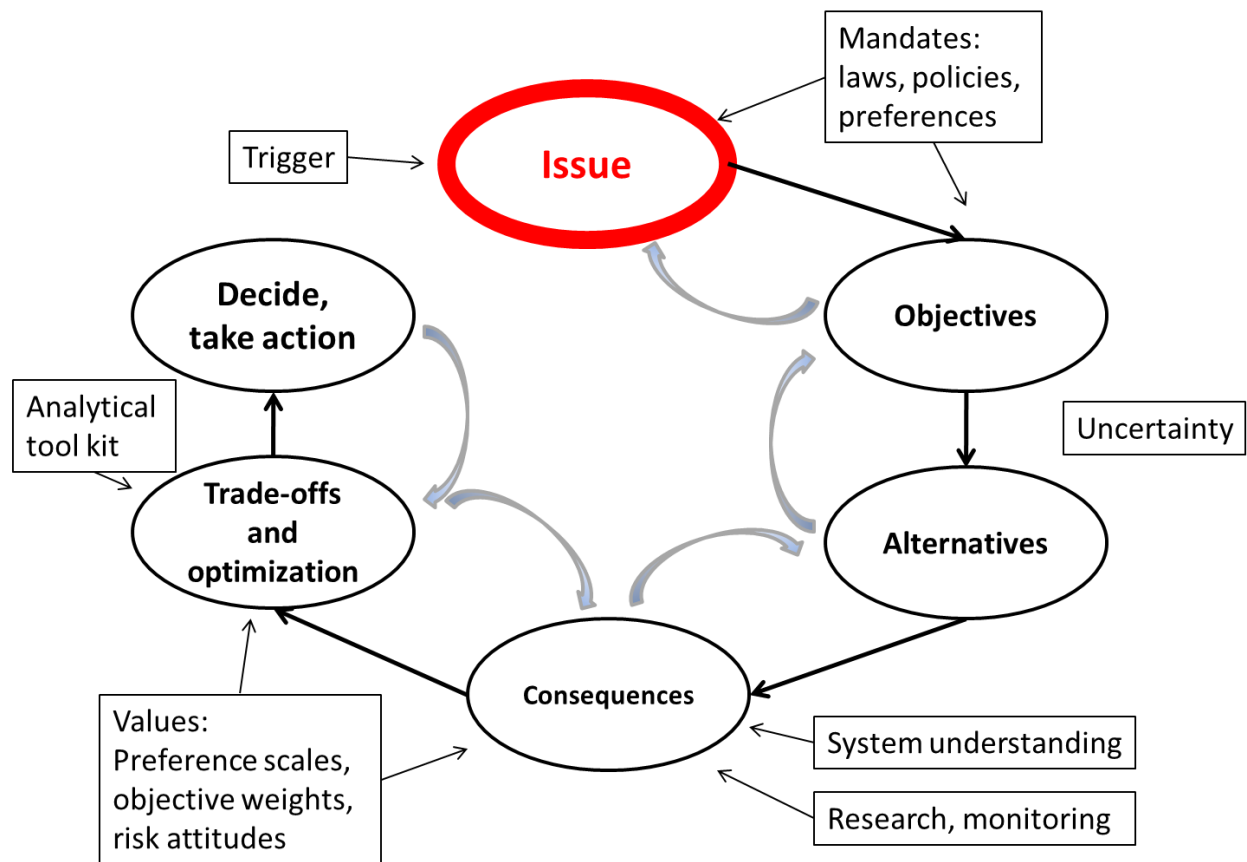
Members of the committee need to be willing to devote time to this project and attend all meetings.

## APPENDIX D: STRUCTURED DECISION MAKING

Structured decision making is a framework used widely to help a group move through a decision process. It was decided that the group, with the help of a University of Montana facilitator, would use this framework to form alternatives for management of the river. Figure 2 illustrates the components of the process, highlighting the first part of the process in red, the issue statement.

The committee met for 4, eight-hour days on January 30<sup>th</sup>, 31<sup>st</sup> and February 14<sup>th</sup>, 15<sup>th</sup>. The committee also met for 3 hours on the evening of March 6<sup>th</sup> to make some edits to the preferred alternative. The following section presents some of the work which led to their preferred alternative.

One of the first steps in the process was to prepare an issue statement that everyone in the group agreed upon.



## APPENDIX E: CITIZEN ADVISORY COMMITTEE ISSUE STATEMENT:

*Fishing and recreating on rivers in Montana are integral to the quality of life of residents and the quality of experience for visitors. The river is the lifeblood of the Bitterroot Valley and we need to balance protection of the resource (e.g., healthy habitats and robust wild trout populations), effects on the local economy (e.g., contribution river recreation brings to local businesses dependent on tourism and recreation), and the needs of all user groups in any management solution. While perceptions of quality experience among individual users and user groups vary considerably, increasing use on the West Fork and Upper Bitterroot is affecting the quality of fishing experience. Trends in temperature and water supply, both low and high, can concentrate use in the upper river. Impacts can be especially significant in drought years with 1) low water flows, 2) high water temperatures, 3) during seasonal fishing restrictions on the Bitterroot River, and 4) during peak outfitting use (usually July to August). Limited float season with dynamic conditions like log jams, channel migration, and diversion dams also impact river traffic and challenge management.*

*Concerns were raised by many river users over total boat traffic, the amount of commercial use, and angler displacement. MFWP performed several surveys in 2014-2016 to evaluate these concerns. A mail-out survey focusing on the West Fork of the Bitterroot was sent to a random sample of Ravalli County fishing license holders. Results showed that 69% of responses from frequent West Fork anglers (representing 69% wade anglers, 22% float anglers, and 9% who fished both ways equally) indicated too much outfitting and guiding have displaced them from this area of the river. A second mail-out survey focusing on the stretch of the Bitterroot from Hannon Memorial Fishing Access Site to Wally Crawford Fishing Access Site was sent to a random sample of Ravalli County fishing license holders. Results showed that 74% of responses from frequent anglers of this stretch (representing 34% wade anglers, 49% float anglers, and 17% who fished both ways equally) indicated too much outfitting and guiding have displaced anglers from this area of the river. Onsite exit surveys of float anglers showed a high level of satisfaction and that they did not feel crowded. At least 60-75% of these respondents were guided; of these, 68% were non-resident.*

*The Fish and Wildlife Commission has the authority to regulate recreational use of Montana waters, and should consider implementing actions to minimize conflicts between users. The Bitterroot River Resource Advisory Committee (BRRAC) feels it is critical that any decision include provisions for effective monitoring and evaluation.*

Once the issue statement was identified, fundamental objectives needed to be agreed upon. It is important to note that the term “objective” is used differently in Structured Decision Making (SDM) than in typical management planning. Since SDM is an evaluation process, these objectives were not necessarily a desired outcome of an alternative. Rather, they are factors that are evaluated to understand the effect an alternative might have. For example, improving the wild trout fishery was not an expected outcome of river use regulations. However, the committee wanted this management objective evaluated through the SDM process to document its importance and ensure the understanding of its response to river use management alternatives.



## APPENDIX F: FUNDAMENTAL OBJECTIVES

1. Improve wild trout fishery
  - Measurable attribute: *Compared to current fishery*, scale -1, 0, 1: bad effect = -1, no effect = 0, good effect = 1. Goal: maximize.
2. Maximize positive impacts on local businesses dependent on local recreation and tourism
  - Measurable attribute: *Compared to current impacts*, scale -1, 0, 1: bad effect = -1, no effect = 0, good effect = 1. Goal: maximize.
3. Maximize user satisfaction of commercial float anglers
  - Measurable attribute: *End result*, scale 1-5: 1 = very dissatisfied, 2 = dissatisfied, 3 = neutral, 4 = satisfied, 5 = very satisfied. Goal: maximize.
4. Maximize user satisfaction of non-commercial float anglers
  - Measurable attribute: *End result*, scale 1-5: 1 = very dissatisfied, 2 = dissatisfied, 3 = neutral, 4 = satisfied, 5 = very satisfied. Goal: maximize.
5. Maximize user satisfaction of wade anglers
  - Measurable attribute: *End result*, scale 1-5: 1 = very dissatisfied, 2 = dissatisfied, 3 = neutral, 4 = satisfied, 5 = very satisfied. Goal: maximize.
6. Maximize user satisfaction of Ravalli County fishing license holders
  - Measurable attribute: *End result*, scale 1-5: 1 = very dissatisfied, 2 = dissatisfied, 3 = neutral, 4 = satisfied, 5 = very satisfied. Goal: maximize.
7. Minimize displacement of anglers to other areas
  - Measurable attribute: *End result*, scale 1-3: no displacement = 1, some displacement = 2, a lot of displacement = 3. Goal: minimize.
8. Reduce crowding on the river
  - Measurable attribute: *Compared to current crowding*, scale 1-5: a lot more crowded = 1, more crowded = 2, no change = 3, less crowded = 4, much less crowded = 5. Goal: maximize.
9. Maximize enforceability
  - Measurable attribute: *Compared to current enforceability*, scale 1-5. Goal: maximize.
10. Maximize simplicity of regulations
  - Measurable attribute: *Compared to current regulations*, scale 1-5. Goal: maximize.
11. Minimize administrative costs
  - Measurable attribute: *Compared to current costs*, scale 1-5: 1 = very large increase, 2 = large increase, 3 = medium increase, 4 = small increase, 5 = no increase. Goal: minimize.

## APPENDIX G: SURVEY INSTRUMENTS

Greetings!

Montana Fish, Wildlife, and Parks in conjunction with the Bitterroot National Forest would like to know more resident angling on the West Fork of the Bitterroot River (map below) from Painted Rocks Dam to Hannon Memorial Fishing Access Site (FAS). The attached survey is being sent to you because you were a licensed Montana angler and you live in Ravalli County. The survey is voluntary and anonymous. Your information will not be shared with anyone and your survey responses will not be connected to your name.

Your honest responses will help us better manage the use on this portion of the Bitterroot River. Please return the completed survey in the enclosed envelope. Please call us if you have any questions about this survey.

Region 2 FWP

3201 Spurgin Road

Missoula, MT 59804

406-542-5562



**Please circle your responses to the following questions.**

1. Have you ever fished the West Fork of the Bitterroot River?

YES

NO -skip to question 14

2. Have you ever considered yourself to be a regular/frequent user of the West Fork of the Bitterroot River to fish?

YES

NO -skip to question 14

3. Did you spend any time fishing the West Fork of the Bitterroot River during the last 3 years?

YES

NO- skip to question 14

4. Compared to the amount of time you have spent fishing the West Fork in the past, did you spend what you consider to be a significantly LESS AMOUNT OF TIME fishing there during the last 3 years?

YES

NO- skip to question 7

5. Which of the following are reasons for spending what you consider to be a significantly less amount of time fishing the West Fork during the last 3 years? (circle all that apply)

Too far to drive

Not enough time

Too crowded

Too many float anglers

Too many outfitters/guides and their clients

Low water levels

Fishing elsewhere

Other....

6. During the last three years, did you spend any time fishing other Montana waters as a REPLACEMENT/SUBSTITUTE for having spent less time fishing the West Fork or not fishing there at all during the past three years?

YES- If yes, what water body (e.g., lake, river, or stream) in Montana did you fish the MOST as a REPLACEMENT/SUBSTITUTE?

NO

7. Which of the following BEST describes how you have fished the West Fork in the past?

Bank/wade fishing a majority of the time (not floating the river)

Float fishing a majority of the time

About an equal amount of time spent bank/wade fishing and float fishing

8. What time(s) of the year have you fished the West Fork in the past? (circle all that apply)

Spring (March 1 – May 30)

Summer/Fall (June 1 – September 15)

Fall/Winter (September 16-February 28) 3

9. What time(s) of year would you MOST PREFER to fish the West Fork? (circle all that apply)

Spring (March 1 – May 30)

Summer/Fall (June 1 – September 15)

Fall/Winter (September 16-February 28)

10. In total, about how many YEARS have you fished the West Fork of the Bitterroot River?

\_\_\_\_\_ years.

11. About how many DAYS PER YEAR do you typically fish the West Fork of the Bitterroot River?

\_\_\_\_\_ days per year.

12. What is the MOST you have ever fished the West Fork of the Bitterroot River in any one year?

\_\_\_\_\_ days per year.

13. Have you ever hired an outfitter/guide to take you fishing on the West Fork?

Yes

No

I am an outfitter or guide

14. What would be IMPORTANT FACTORS in determining whether or not you are likely to fish the West Fork of the Bitterroot River in the FUTURE? (circle all that apply)

Opportunity to catch some big fish

Opportunity to catch lots of fish

Less outfitted/guided groups

Having enough time to go fishing

Opportunity to see relatively few other people float fishing the river

Opportunity to see relatively few other people bank/wade fishing the river

None of these factors

Some other factor (s).....

15. Please indicate your age group.

18-24

25-34

35-44

45-54

55-64

65-74

75 and over

16. Do you have any other comments or concerns about the West Fork of the Bitterroot River?

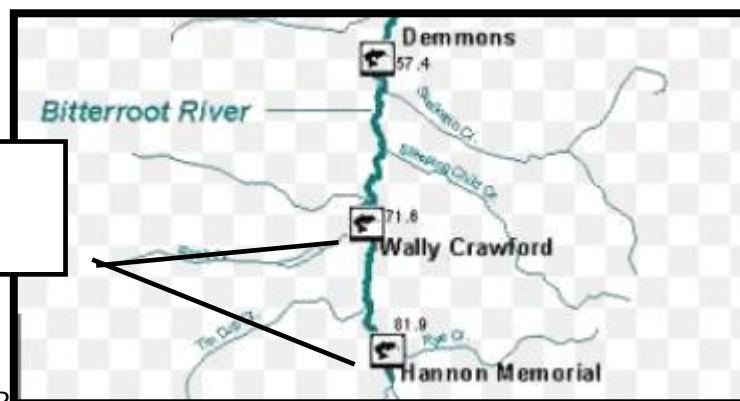


Greetings!

This is the second survey Montana Fish, Wildlife, and Parks is sending out to understand how and when anglers are using specific sections of the Bitterroot River. You may or may not have received a similar survey from us about the West Fork of the Bitterroot. In this survey, we would like to know more about resident angling on the stretch of the Bitterroot River from **Hannon Memorial FAS to Wally Crawford FAS** (map below). The survey is voluntary and anonymous. Your information will not be shared with anyone and your survey responses will not be connected to your name.

Your honest responses will help us better manage the use on this portion of the Bitterroot River. Please return the completed survey in the enclosed envelope. Please call us if you have any questions about this survey.

Hannon Memorial FAS to Wally  
Crawford FAS



Region 2 FWP

Missoula, MT 59804

**Please circle your responses to the following questions.**

1. Have you **ever** fished the Bitterroot River between Hannon Memorial FAS and Wally Crawford FAS?

YES

NO -skip to question 14

2. Have you **ever** considered yourself to be a regular/frequent user of this section of the Bitterroot River for fishing?

YES

NO -skip to question 14

3. Did you spend any time fishing this section of the Bitterroot River **during the last 3 years?**

YES

NO- skip to question 14

4. Compared to the amount of time you have spent fishing this area in the past, did you spend what you consider to be a significantly LESS AMOUNT OF TIME fishing there **during the last 3 years?**

YES

NO- skip to question 7

5. Which of the following are reasons for spending what you consider to be a significantly less amount of time fishing this area **during the last 3 years?** (circle all that apply)

Too far to drive

Not enough time

Too crowded

Too many float anglers

Too many outfitters/guides and their clients

Low water levels

Fishing elsewhere

Other....

6. During the last three years, did you spend any time fishing other Montana waters as a REPLACEMENT/SUBSTITUTE for having spent less time fishing this section or not fishing there at all during the past three years?

YES- If yes, what water body (e.g., lake, river, or stream) in Montana did you fish the MOST as a REPLACEMENT/SUBSTITUTE?

NO

7. Which of the following BEST describes how you have fished from Hannon to Wally Crawford in the past?

Bank/wade fishing a majority of the time (not floating the river)

Float fishing a majority of the time

About an equal amount of time spent bank/wade fishing and float fishing

8. What time(s) of the year have you fished this section in the past? (circle all that apply)

Spring (March 1 – May 30)

Summer/Fall (June 1 – September 15)

Fall/Winter (September 16-February 28)

9. What time(s) of year would you MOST PREFER to fish this area? (circle all that apply)

Spring (March 1 – May 30)

Summer/Fall (June 1 – September 15)

Fall/Winter (September 16-February 28)

10. In total, about how many **YEARS** have you fished this portion of the Bitterroot River?

\_\_\_\_\_ years.

11. About how many **DAYS PER YEAR** do you typically fish this section of the Bitterroot River?

\_\_\_\_\_ days per year.



12. What is the **MOST** you have ever fished this area of the Bitterroot River in any one year?

\_\_\_\_\_ days per year.

13. Have you ever hired an outfitter/guide to take you fishing on this section of the Bitterroot River?

Yes

No

I am an outfitter or guide

14. What would be IMPORTANT FACTORS in determining whether or not you are likely to fish this section of the Bitterroot River in the FUTURE? (circle all that apply)

Opportunity to catch some big fish

Opportunity to catch lots of fish

Less outfitted/guided groups

Having enough time to go fishing

Opportunity to see relatively few other people float fishing the river

Opportunity to see relatively few other people bank/wade fishing the river

None of these factors

Some other factor (s).....

15. Please indicate your age group.

18-24

25-34

35-44

45-54

55-64

65-74

75 and over

16. Do you have any other comments or concerns about this section of the Bitterroot River?